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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 935 of 2003

Petitioners
1. Jagat Narayan, S/o Late Kedarnath Dubey, age 55 years.
2. Smt. Pramila wd/o Late Jagan Singh, aged about 34 years
3. Ajay Kumar s/o Dilbahru Ram, aged about 30 years
4. Ramesh Kumar Dubey, s/o Gulab Dutt Dubey, aged about 35 years.
5. Surendra Kumar s/o Hari Prasad, aged about 25 years
6. Mahendra Kumar s/o Mangal Prasad, aged about 30 years.

All r/o village Sardi, Tehsil Baikunthpur, District-korea, C.G.

Versus

Respondents
1. The State of Chhattisgarh, Through Secretary, Rehabilitation Department, Raipur, C.G.
2. S.E.C.L. (South Eastern Coalfields Limited) Through the Chief General Manager, Baikunthpur Area, At & Post Baikunthpur, District-koria, C.G.
3. Sub Area Manager, Charcha West Colliery (S.E.C.L.) Post Charcha, District-Koria, C.G.
4. Collector koria, Baikunthpur.
5. Sub Divisional Officer, Baikunthpur, District-Koria, C.G.

29.11.06
As per Hon'ble Court order in MCC 780/06 dtd. 27.11.06 amendment is incorporated.
Sd/-
Registrar(J)

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri A. K. Prasad, Advocate for the petitioners.

Shri Sandeep Dubey, Govt. Advocate for the Respondents No. 1, 4 and 5.

Shri H. B. Agarwal, Senior Advocate with Shri Pankaj Agarwal, Advocate for the respondents No. 2 and 3.

ORAL ORDER

(9th January, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. The petitioners have filed this petition under Article 226/227 of the Constitution of India seeking direction against the respondents for

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granting appointments as per the policy of the State Government as well as the Company in lieu of their acquired lands.

2. The petitioners are residents of village – Sardi, Tahsil- Baikunthpur, District – Koria. They were land owners and their lands were acquired for the respondents No. 2 and 3 after issuing proper notifications under Section 9 (1) of the Coal Bearing Areas (Acquisition and Development) Act 1957 (for short 'the Act 1957'). The petitioners have been paid compensation for their lands acquired under the provisions of the Act, 1957. A dispute arose when the Additional Collector, Baikunthpur, District-Surguja in Revenue Case No. 24-A-19/95-96 initiated suo motu revisional proceeding under Section 50 of the Land Revenue Code on the report dated 9.12.1995 of Naib Tahsildar, Baikunthpur, passed the order on 3.1.1996 (Annexure P/6) whereby it was held that the petitioners were not the holders/owners of the disputed lands. The Revenue Commissioner, Bilaspur in appeal No. 61/A-19/98-99 found that the order passed by the Additional Collector on 3.1.1996 in regard to the disputed land was erroneous and illegal and as such the said order dated 3.1.1996 passed by the Additional Collector Annexure P/6 was set aside and the appeal was allowed vide order dated 31.5.1999 (Annexure P/9). Thereafter the compensation as determined in award dated 25.3.1998 (Annexure P/1) was paid to the petitioners.

3. In the present petition, the petitioners have prayed for a writ/direction against the respondents No. 2 and 3, who are State under Article 12 of the Constitution of India to the effect that as per the policy dated 25.9.1991 (Annexure P/2) and Guidelines regarding employment to the Land Oustees dated 20.7.1984 (Annexure P/3) the one family member of the land holder was entitled to employment, in

addition to the compensation for acquisition of land under the Act 1957.

4. Shri H. B. Agarwal, learned senior counsel with Shri Pankaj Agarwal, learned counsel for the Respondents No. 2 and 3 fairly concedes that under the policy of acquisition one member of the holder of the land is entitled to employment in addition to compensation against acquisition of land and it has been granted to several persons. It is also not disputed that the petitioners are land holders and they have been paid compensation accordingly for acquisition of their lands. A committee has been constituted for examining the eligibility of one member of the family members for the purpose of employment.

5. In view of the admitted position, as stated above, the respondents are directed to refer the case of the petitioners to the committee constituted for the purpose of employment of one member of the land holder's family and pass order of appointment accordingly, in accordance with the policies of the State as well as the Company vide Annexure P/2 and P/3. Needful shall be done within a period of three months from the date of receipt/production of a copy of this order.

6. For the reasons stated above, the petition is allowed. No order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge

Thakur